

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

MATHEW MARTOMA,

Defendant.

No. 12-cr-00973 (PGG)
ECF Case

ORAL ARGUMENT REQUESTED

**DEFENDANT MATHEW MARTOMA’S NOTICE OF HIS MOTION TO EXCLUDE
EVIDENCE OF THE MANNER IN WHICH SAC SOLD ELAN AND WYETH
SECURITIES OR, ALTERNATIVELY, TO ADMIT SELECTED PORTIONS OF
STEVEN COHEN’S SEC TESTIMONY**

(MR. MARTOMA’S MOTION *IN LIMINE* NO. 3)

PLEASE TAKE NOTICE that, upon the annexed Declaration of Richard M. Strassberg, Esq., the exhibits thereto, and the accompanying memorandum of law, the defendant Mathew Martoma will move this Court before the Honorable Paul G. Gardephe at the United States District Courthouse, 40 Foley Square, New York, New York 10007, at such a date and time as the Court may direct, for an order excluding evidence of the manner in which S.A.C. Capital Advisors, LLC and its affiliates (collectively, “SAC”) sold Elan Pharmaceuticals, plc (“Elan”) and Wyeth securities or, alternatively, to admit selected portions of Steven Cohen’s testimony before the Securities and Exchange Commission (“SEC”).

PLEASE TAKE FURTHER NOTICE that in support of this motion, Mr. Martoma will rely upon the accompanying memorandum of law and appendix of exhibits, all of which are submitted contemporaneously herewith.

Dated: December 6, 2013
New York, NY

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2013, I caused a true and correct copy of the foregoing to be served by electronic means, via the Court's CM/ECF system, on all counsel registered to receive electronic notices. I also certify that I have caused copies of the aforementioned document to be served via first class mail, postage prepaid upon all non-CM/ECF participants.

/s/ Richard M. Strassberg
Richard M. Strassberg (RS5141)